

**REMARKS**

In the Office Action dated April 25, 2005, claims 1-20 are pending. Claims 15-20 are canceled. Claims 1 and 11 are independent claims from which all other claims depend therefrom. Claims 1, 5, 11, and 12 are herein amended. Claims 21-27 are newly added.

Claims 2-10 and 12-14 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. Specifically, the Office Action states that it appears that "A system" should be "The system" to provide proper antecedent basis. Applicants, respectfully, traverse. Applicants submit that "A system" is a proper form for dependent claims. See MPEP 608.01(n). Also, Applicants submit that the words used to establish claim dependency in the preamble of a claim are a matter of choice, so long as the dependency of the claim is clearly set forth. See Landis on Mechanics of Patent Drafting, *Fourth Edition*, §11, Practicing Law Institute, December 1999. Although "The system" may be utilized, "A system" is preferred since each dependent claim is independently patentable and stands on its own recitation. Each dependent claim recites a system that is not exactly the same as the system from which it depends and thus is different. Although the recited limitations of the dependent claims require proper antecedent basis, antecedent basis is not necessarily required for the term "system" in the preamble. Thus, Applicants believe that the use of "A system" in claims 2-10 and 12-14 is proper.

The Office Action further states that claims 6-8 and 13-14 are confusing and are not clear. The Office Action states that the limitations are not shown in the Figures and/or that they lack support in the specification and therefore they fail to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. Applicants again traverse and submit that each claim limitation is clearly shown in the Figures and is clearly described in the specification.

Claim 6 recites the limitations of a mirror that is exchangeable with a message board to be in a forefront orientation. Figures 2A-2E specifically show a mirror that is exchangeable with a message board. In Figures 2C and 2E both a mirror 38 and a message board 30 can be seen simultaneously. Also, an exchange mechanism 34 is shown in Figures 2A-2E, which is used to switch between the mirror 38 and the message board 30 such that either the mirror 38 or the message board 30 are in a forefront orientation. The exchange between a mirror and a message board is stated and described in each of paragraphs [0028]-[0032] and in paragraph [0039] of the specification. Also, note that the term "forefront position" is specifically defined and described in paragraph [0029] of the specification.

Claim 7 recites the limitations of a message board that covers a portion of a mirror when it is in a forefront orientation. Figure 2E specifically shows a message board system arrangement whereby a message board may be slid over a mirror and thus covers the mirror. This is described in paragraph [0030] of the specification.

Claim 8 recites the limitations of a mirror that covers a portion of a message board when it is in a forefront orientation. Figure 2A shows and paragraph [0031] of the specification describes an exchange device that is coupled to a side of a mirror and when actuated slides the mirror over a message board.

Claim 13 recites the limitations of an exchange mechanism actuatable to switch between a message board and a mirror. Again see Figures 2A-2E and paragraphs [0028]-[0032] and [0039] of the specification for which this is shown and described.

Claim 14 recites the limitations of the exchange mechanism of claim 13 being in the form of a slider. Figures 2A and 2E show an exchange mechanism that is in the form of a slider, specifically exchange mechanism 34, which includes the exchange device 40 and slide rails 42 or slide rails 50. The exchange device 40 slides the message board 30 and/or the mirror 38 on the rails 42 or 50.

Paragraphs [0029]-[0032] of the specification provide description of the stated mechanism and the operation thereof.

Thus, each claim limitation is clearly shown in the Figures and is clearly described in the specification. Applicants also submit that regardless of whether the limitations are shown in the Figures or described in the specification that they are clear as drafted. Claim 6 recites the ability to switch between a mirror and a message board. Claim 7 recites that a message board covers a mirror when being viewed or in a forefront orientation. Claim 8 recites the opposite of claim 7. Claim 13 recites a mechanism that switches between a message board and a mirror and claim 14 requires that the mechanism be a slider. The claimed limitations do not contain any vague or unclear terms and one skilled in the art would clearly understand what is claimed, especially in view of the Figures and the specification.

Furthermore, referring to MPEP 2163, there is a strong presumption that an adequate written description of the claimed invention is present in the specification when the application is filed. The PTO has the initial burden of presenting evidence or reasons why persons skilled in the art would not recognize in the disclosure a description of the invention defined by the claims. See *In re Wertheim*, 541 F.2d 257, 263, 191 USPQ 90, 97 (CCPA 1976). No evidence or reasons have been provided why persons skilled in the art would not recognize in the disclosure a description of the invention defined by claims 6-8 and 13-14, besides adequate illustration and description is clearly provided in the Figures and in the specification.

Thus, Applicants submit that claims 6-8 and 13-14 do particularly point out and distinctly claim the subject matter which the Applicants regard as the invention and the rejection under 35 U.S.C. 112 has been overcome. Thus, claims 6-8 and 13-14 are novel, nonobvious, and are in a condition for allowance.

Claims 1-3 and 9-11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Crooks (U.S. Pat. No. 5,401,916).

Amended claim 1 recites a message board system for a vehicle that includes a message board. The message board is integrally formed as part of and is at least partially contained within a vehicle structure.

Although Crooks discloses a handwriting capturing device, Crooks does not disclose a vehicle structure, a message board that is integrally formed as part of a vehicle structure, or a message board that is at least partially contained within a vehicle structure. No reason has been provided for Applicants to believe otherwise.

In order for a reference to anticipate a claim the reference must teach or suggest each and every element of that claim, see MPEP 2131 and *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628. Thus, since each and every element of claim 1 is not taught or suggested by Crooks, Applicants submit that claim 1 is novel, nonobvious, and is in a condition for allowance. Note that this is the case regardless of the claim 1 amendments contained herein. Since claims 2-3 and 9-10 depend from claim 1, they too are novel, nonobvious, and are in a condition for allowance for at least the same reasons.

Claim 11 recites a visor for a vehicle that includes a message board that is contained at least partially within the visor. Applicants submit that Crooks fails to teach or suggest a vehicle visor or a visor containing a message board. Thus, Crooks also fails to teach or suggest each and every limitation of claim 11, therefore, claim 11 is also novel, nonobvious, and is in a condition for allowance.

Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Crooks (U.S. Pat. No. 5,401,916) in view of Igarashi et al. (U.S. Pat. No. 4,983,951).

The Office Action states that Crooks fails to disclose an instrument panel. Applicants agree and submit that Crooks fails to disclose any vehicle structure.

The Office Action relies on Igarashi solely for the disclosure of an instrument panel. Applicants submit that instrument panels clearly exist and that by simply providing a reference that has an instrument panel is not sufficient evidence that the combination of Crooks with Igarashi would have been obvious to one skilled in the art. Applicants submit that it would not have been obvious

to combine the stated references and that there is no suggestion or motivation in either reference for such combination.

Referring to MPEP 2143.01, the mere fact that a reference can be modified does not render the resultant obvious unless the prior art also suggests the desirability thereof. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Crooks is directed to a method of capturing handwritten information and providing visual feedback for banking or hotel applications. The handwriting capture device of Crooks is used to electronically capture customer signatures. Igarashi, on the other hand, is directed to an automotive information display device for displaying various vehicle information, such as vehicle speed and traveling range. Crooks does not disclose a vehicle structure or vehicular application or suggest the like. Igarashi does not disclose a handwriting device or suggest the like. To suggest the combination of the stated references could only be the use of improper hindsight reasoning in view of the present application.

Referring to MPEP 2141.01(a), while the Patent Office classification of references and cross-references in the official search notes are some evidence of "nonanalogy" or "analogy" respectively, the court has found "the similarities and differences in structure and function of the inventions to carry far greater weight." *In re Ellis*, 476 F.2d 1370, 1372, 177USPQ526, 527 (CCPA 1973). Igarashi would not have logically commended itself to an inventor's attention in considering the problems solved by the method of claim 1. In developing a system for retaining messages within a vehicle, one would clearly not look to a system for displaying vehicle information. Although Igarashi is vehicular related, there is no other relation between the system of Igarashi and that of the claimed invention. The system of Igarashi would not have logically commended itself to the Applicant's attention in solving the problems associated with written messages. Igarashi would not be reasonably pertinent to the particular problems solved by the system of claims 1 and 4. Thus, the Applicants submit that Igarashi is nonanalogous art and any reliance thereon would be far-reaching at best. Note

also that the relied upon references do not have the same Patent Office classification.

Also, regardless of whether there is a suggestion to combine the stated references and/or whether Igarashi is analogous art, the combination of the stated references does not teach or suggest each and every limitation of claims 1 and 4. As stated above, Crooks fails to teach or suggest a handwriting message board that is integrally formed as part of a vehicle structure and a message board that is at least partially contained within a vehicle structure. Igarashi does not even disclose a message board for retaining hand written material. Referring to MPEP 706.02(j) and 2143, to establish a *prima facie* case of obviousness the prior art reference(s) must teach or suggest all the claim limitations, see *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Thus, since Crooks and Igarashi alone or in combination fail to teach or suggest each and every element of claim 1 and 4, Applicants submit that claims 1 and 4 are novel, nonobvious, and are in a condition for allowance.

Claims 5 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Crooks in view of Lin (U.S. Pat. No. 5,432,496).

Applicants submit that mirrors also clearly exist throughout the world and in vehicles. To merely provide a reference that discloses a mirror within a vehicle does not make the combination of a message board, used for retaining handwritten messages, and a mirror obvious. There must be some suggestion or motivation in the references for such combination.

Lin discloses an electronic device coupled to a rear view mirror for displaying a telephone number. Lin, like Igarashi, fails to disclose a handwriting capture device. Although Lin allows one to indicate a phone number on a backside of a rear view mirror, there is no suggestion of the phone number being handwritten and to suggest otherwise would again be the use of improper hindsight reasoning in view of the present application. Also, there are clearly an abundant amount of electronic data entry devices known in the art. However, the claimed invention is not electronic. In addition, the stated references fail to

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teach or suggest a handwriting message board that is integrally formed as part of a vehicle structure and a message board that is at least partially contained within a vehicle structure. Therefore, claims 5 and 12 are also, novel, nonobvious, and are in a condition for allowance.

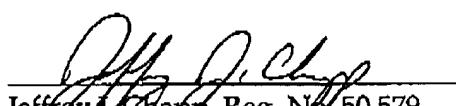
Applicants want to remind the Examiner that some of the best inventions are also some of the most simplistic and although an invention may be simple, simplicity does not by any means imply lack of novelty.

In light of the amendments and remarks, Applicants submit that all of the objections and rejections are now overcome. The Applicants have added no new matter to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to call the undersigned attorney.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account 50-0476.

Respectfully submitted,

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